

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

FILED

2007 MAY 31 AM 9:22

RICHARD D. FOOKER, CLERK

STATE OF TENNESSEE,

Petitioner,

v.

CHOICEPOINT, INC.,

Respondent.

No. 07C1564

PETITION

The State of Tennessee, by and through Robert E. Cooper, Jr., the Attorney General, (hereinafter "Attorney General"), at the request of Mary Clement, Director of the Division of Consumer Affairs of the Department of Commerce and Insurance, files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter "the Act"), and respectfully shows the Court as follows:

1. The Attorney General, acting pursuant to the Act, has investigated certain acts and practices of ChoicePoint, Inc., a Georgia corporation (hereinafter "Respondent"). Upon completion of such investigation, the Attorney General has determined that certain of Respondent's acts and practices, more specifically described in Paragraph 2 of this Petition, constitute unfair and deceptive acts or practices affecting the conduct of trade or commerce in the State of Tennessee in violation of the Act.

2. As a result of the investigation, the Division and the Attorney General allege that certain acts and practices of Respondent were in violation of the Tennessee Consumer Protection Act of 1977, Tenn Code Ann. § 47-18-101, *et seq.* as follows:

a. ChoicePoint is a provider of identification and credential verification services to businesses, government agencies and non-profit organizations. ChoicePoint, among other things, collects, maintains, and distributes consumers' personally identifiable information.

b. In February 2005, ChoicePoint announced that individuals posing as legitimate businesses gained access to consumers' personally identifiable information. In the wake of these activities, ChoicePoint, using the California breach notification law as a guide, mailed more than 145,000 notices to consumers across the country whose information may have been viewed or acquired by the criminals. As of the execution date of this Assurance, at least four individuals have been convicted of crimes related to the fraud and are currently incarcerated.

c. A business that collects consumers' personally identifiable information has a duty to maintain the privacy, security, and integrity of that information by, among other things, restricting access and maintaining proper security measures to safeguard that data.

d. The security breach suffered in 2004 resulted from ChoicePoint's failure to implement or maintain measures appropriate under the circumstances to protect personally identifiable information.

e. Consumers reasonably expect ChoicePoint will, and ChoicePoint has represented, expressly or by implication, that it does employ appropriate measures to (a) ensure that credentialed Subscribers are legitimate businesses with legal purposes, and (b) safeguard

consumers' personally identifiable information from unlawful or unauthorized access or disclosure.

f. The State alleges that ChoicePoint's conduct as set forth above violated the Tennessee Consumer Protection Act of 1977, Tenn Code Ann. § 47-18-101, *et seq.*

3. The Division requested the Attorney General to negotiate, and if possible to accept, an Assurance of Voluntary Compliance in accordance with the provisions set forth in Tenn. Code Ann. § 47-18-107.

4. The parties have agreed to, and the Division has approved, the Assurance of Voluntary Compliance filed contemporaneously herewith.

5. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

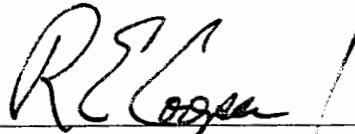
6. The Division, the Attorney General, and the Respondents have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays:

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.

Respectfully submitted,



ROBERT E. COOPER, JR.
Attorney General & Reporter
B.P.R. 10934



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I hereby certify that this is a true copy
of original instrument filed in my office
this 31st day of May, 2007

RICHARD R. BOOKER Clerk

By 
Deputy Clerk